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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff)
)
v.)
)
NGUESSAN YAO,)
)
Defendant)

No. CR 10-00434 RMW

**STIPULATION AND ORDER FOR A
CONTINUANCE OF THE STATUS
HEARING**

Date: March 28, 2011
Time: 9:00 a.m.
Court: Honorable Ronald M. Whyte

COME NOW THE UNITED STATES OF AMERICA, plaintiff herein, represented by Assistant United States Attorney Gary G. Fry, and defendant Nguessan Yao, represented by Raymond Levites. Esq., who is appearing *pro hac vice*, and Thomas Nolan, Esq., and file their joint motion to continue the status hearing currently scheduled for March 28, 2011 at 9:00 a.m..

At the request of the parties this court set a status hearing for March 28, 2011. Since then, as the court may recall from a recent motion to extend the discovery compliance date, the United States has been preparing discovery and giving it to the defense. The problems we encountered include digital documents produced by an ISP in response to a search warrant that we cannot open, and a lengthy redacting process. The redactions are almost finished. We still have not solved the problem of the digital documents. The ISP reports that they cannot provide them to us

1 using another program.

2 For the foregoing reasons, both parties believe that there is currently no need for a status
3 hearing on March 28, 2011. The defense so far is satisfied with the pace of discovery, and the
4 prosecution is satisfied with the substantial efforts by the defense to familiarize themselves with
5 the case. We have been able to start efforts to negotiate a disposition. Both parties agree that a
6 new date of April 25th, 2011, would be a reasonable new date.

7 Mr. Levites' office is in New York City. It will cost him time, and it will coast his client
8 money. The parties agree that we do not need the current assistance of the court in resolving
9 anything.

10 The undersigned has discussed all this with the defense. They agree with the prosecution
11 and authorized me to so inform the court.

12 Accordingly, both parties pray that this court grant an order continuing the status hearing
13 to April 25, 2011, at 9:00 a.m., or such other date as may be convenient for the court.

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15 Date: March 24, 2011

Respectfully submitted,

16 MELINDA HAAG
17 United States Attorney

18 /s/

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20 GARY G. FRY
21 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

NGUESSAN YAO,

Defendant

No. CR 10-00434 RMW

☐ ORDER OF THE COURT
CONTINUING STATUS HEARING

Based on a Stipulation by counsel for the United States and the defendant, Nguessan Yao, and for good cause shown, the court ORDERS that the status hearing currently set for March 28, 2011, is CONTINUED to April 25, 2011 at 9:00 a.m..

IT IS SO ORDERED,

date: 3/28/11


HONORABLE RONALD M. WHITE
United States District Court Judge